

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VANESSA OCHOA

v.

JOHN BENTON MODEL FITNESS, LLC

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Civil Action No. 4:21CV829
Judge Mazzant

ORDER AND ADVISORY

Before the Court is the above styled and numbered case. The Court has received Defendant's Notice of Removal (Dkt. #1) and therefore enters the following Order and Advisory.

The Federal Rules of Civil Procedure do not require parties to replead following removal. Fed. R. Civ. P. 81(c)(2). However, the parties should note the different pleading standards in state and federal court. In particular, Federal Rule of Civil Procedure 8(b) mandates that a defending party admit or deny each allegation against it. Also, Federal Rule of Civil Procedure 9 sets forth heightened pleading requirements for certain matters.

In the interest of efficient management of its docket, the Court ORDERS the parties to replead as necessary to comply with the Federal Rules of Civil Procedure and the Court's Local Rules.¹ Plaintiff's amended complaint is due thirty (30) days from the date of this order. Defendant's amended answer is due twenty (20) days from receipt of the amended complaint. Any prior deadline for Defendant's answer shall be extended to the date set by this order.

The Court also directs the parties' attention to Local Rule CV-7. While the parties should be familiar with all the Federal and Local Court Rules, the Court points to this rule specifically as it renders moot all motions urged prior to removal. Accordingly, the Court will only consider motions reurged in this Court.

¹The Court's Local Rules are available through the Court's website, at <http://www.txed.uscourts.gov>.

In the event that Plaintiff files a timely motion for remand, the deadlines set forth in this order are suspended pending resolution of the motion. If the Court denies the motion to remand, Plaintiff's amended complaint will be due 30 days from the date the order is signed.

IT IS SO ORDERED.

SIGNED this 20th day of October, 2021.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE